

### **REMARKS**

Claims 1-29 were pending. Claims 1, 8, 13, 17, 20-23, 25, and 27-29 have been amended. Therefore claims 1-29 remain pending in the application subsequent entry of the present amendment.

#### **Allowed Claims**

Claims 22-29 are allowed.

#### **Allowable Subject Matter**

Claims 4, 5, 13, 15, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Claim Objections**

Claims 1, 13, 17, 20-23, and 27-29 are objected to for various informalities. Applicant has amended each of the claims in a manner believed to overcome the objections.

#### **Claim Rejections**

In the present Office Action, claims 1, 2, 6, and 14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,285,685 (hereinafter “Bum”). Claims 3 and 7-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bum. Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bum in view of U.S. Patent Publication No. 20030023970 (hereinafter “Panabaker”). Claim 12 stands

rejected under 35 U.S.C. § 103(a) as being unpatentable over Bum in view of U.S. Patent No. 5,973,680 (hereinafter “Ueda”). Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bum in view of U.S. Patent No. 6,785,901 (hereinafter “Horowitz”). Claims 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bum in view of U.S. Patent No. 5,835,087 (hereinafter “Herz”). Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bum in view Herz and in further view of U.S. Patent No. U.S. Patent No. 6,820,277 (hereinafter “Eldering”). Applicant has reviewed each of the rejections and submits each of the pending claims recited features neither taught nor suggested by the cited art. Accordingly, Applicant traverses the rejections and requests reconsideration.

Claim 1 currently stands rejected as being anticipated by Bum. However, Applicant submits claim 1 recites features which are not disclosed by Bum. For example, claim 1 recites features including:

“an application level meta language for communication between client applications and service providers”.

In the present Office Action, Bum is cited as disclosing these features at Fig. 1, and col. 4, lines 7-22. In particular, TCP/IP is cited as being equivalent to the above recited features. However, Applicant disagrees. By way of further explanation, the Description of the present application provides:

“Turning now to FIG. 7, DATP is a subset of the Digital TV Application Protocol (DAP). DAP/DATP is depicted in FIG. 7. DAP is used to standardize back channel communications between SP applications and SGW. DATP and SGW provide a generic virtual transport mechanism to SP applications, since not all SP enabled STBs provide a TCP/IP stack extension. Moreover, some of the STBs run their own proprietary stack or provide no communication stack at all.

DAP is a simple lightweight application protocol suite. DAP's main purpose is to provide a simple and effective way to leverage existing application protocols, such as POP3, SMTP, internet message access protocol (IMAP) and others onto low-end STB's. STBs often possess

low capacity processing resources and/or proprietary communications protocols. DAP is designed to abstract communications complexity from the application providers, which in turn leverages existing network infrastructure for today's application standards.

As shown in FIG. 7, DAP is divided into two parts: DAML 1610-digital TV application meta language and DATP 1620-digital TV application transport protocol. DAML 1610 is a meta language that spans many SP applications. Each SP application has its own domain of DAML. The client application responds to and requests messages encapsulated in an DAML domain. These request messages are translated by application servers into the appropriate protocol for existing applications, such as SMTP or IMAP.

DATP 1620 is a lightweight, simple transport protocol designed for low bandwidth applications when TCP/IP or another known protocol is not available. DATP is designed to interface with existing communication protocols in current STBs. DAP comprises: DATP, DAML-Mail (XML domain for mail); DAML-Regi (XML domain for account registration); and DAML-Acct (XML domain for accessing SP VMS/AMS system)." (Pages 56-58).

"The following outlines the role of DAML in the DAP architecture. DAML is an application level communication protocol, utilized to specify communication behavior and communication data for interactive TV services. The service level communication protocol is above the transport level protocol. It defines how the application specific content is encapsulated between client/server communications.

"DAML is a collection of domain specific protocols that enables a modular design of the SP. For example, DAML-Mail is a subset of DAP. DAML-Mail is a mail domain specific protocol. New domain-specific protocols can be added as a subset of DAP simply by creating new DTD's. DAP specifies communication behaviors through the sending and receiving of DAP messages. The application specific data is encapsulated in an XML format. The syntax of each XML application domain specifies the actions for the application servers to perform. This enables design of very lightweight simplistic protocols that today's STBs can utilize to interface with existing infrastructure such as SMTP services and IMAP services." (Pages 59-60).

Accordingly, neither TCP nor IP are an application level meta language as recited. For example, within the TCP/IP protocol suite, TCP resides in the transport layer and IP

resides at the IP layer. Within the OSI model, TCP may be seen to reside in the TCP layer, with IP in the Network layer. Accordingly, Applicant submits the disclosure of Bum is not equivalent to the above recited features. Therefore, claim 1 is patentably distinguishable from Bum for at least these reasons.

In addition to the above, claim 1 recites the features:

“a conversion function for converting the client's message from the transport level protocol into a plurality of standard protocols for transmission to the service provider over the communication link.”

In the Office Action, col. 4, lines 44-50, are cited as disclosing these features. However, this disclosure of Bum merely teaches that the Internet Gateway 12 converts received ATM packets into IP packets for transmission via the internet using IP routing. This is a straightforward ATM to IP conversion which is in keeping with the IP-over-ATM nature of the Bum system. In contrast to Bum, claim 1 recites “a conversion function for converting the client's message from the transport level protocol into a plurality of standard protocols for transmission to the service provider over the communication link.” Such features are not disclosed by Bum and claim 1 is further distinguished for at least these reasons.

In view of the above, Applicant submits claim 1 is not anticipated by Bum. Accordingly, claim 1, as well as dependent claims 2-21, are patentably distinguished for at least the above reasons. Neither does the combination of references cited disclose all of the features of claim 1. As each of the claims are patentably distinguishable, further discussion of the dependent claims is not believed necessary at this time.

Applicant believes the application is in condition for allowance. However, should the examiner believe issues remain, the below signed representative requests a telephone interview to facilitate a resolution.

**CONCLUSION**

Applicant submits the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant(s) hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5266-08100/RDR.

Respectfully submitted,

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Date: November 20, 2006